

# Managing Depredating Fish-eating Birds in the Southeast U.S.

(AL, AR, FL, GA, KY, LA, MS, NC, PR, SC, TN, VI)



## Fish-Eating Birds and Our Environment

Fish-eating birds are among our nation's most recognizable birds. Consider a flock of brown pelicans flying in formation low across the water, nearly touching the waves, or an osprey hovering high in the air, then descending in a dive into and under water. Or, maybe you have seen egrets standing solitarily in a flooded field or a cormorant perched, wings spread, on a piling.



Herb Stein

Populations of many fish-eating bird species have fluctuated dramatically since the 1800s. Unregulated harvest of some species for feathers and the collection or destruction of eggs at breeding colonies, as well as losses of upwards to 50% of wetland habitats during the 1900s caused population declines.

Public concern over the loss of these species led to the establishment of the first national wildlife refuges, starting in Florida with Pelican Island established by President Theodore Roosevelt in 1903. The Migratory Bird Treaty Act of 1918 and other wildlife protection legislation at the State and Federal levels were enacted in large part to curb the unregulated harvest of birds, including many fish-eating species. As a result, populations rebounded.

By the mid 1900s, however, chemicals like DDT came into widespread use, leading to environmental contamination. Beginning in the 1960s, populations declined once again, and widespread public concern

about the environment led to the passage of the Endangered Species Act, the National Environmental Policy Act, Federal and State water pollution control acts, and the banning or regulation of chemical contaminants. Now, many lakes, rivers and streams have become suitable habitat once again for fish-eating birds. Populations are recovering, and in some locations increasing to levels sufficient to cause public concern or conflicts.

## Management of Depredating Birds

Our society benefits in numerous ways from birds. Migratory gamebirds serve thousands of Americans as a sustainably hunted natural resource. Game and nongame species provide millions of Americans easy opportunities to observe wildlife as part of nature and all Americans benefit from birds as excellent indicators of environmental health. The latter two points are important considerations for colonially-nesting, fish-eating birds in the Southeast U.S. The U.S. Fish and Wildlife Service (Service) is the principal agency charged with protecting migratory birds. The Service is dedicated to conserving and managing migratory birds and providing educational and recreational opportunities for all Americans interested in these species.

However, there are circumstances when birds (and other wildlife) come into conflict with human activities. Birds may be a safety hazard at airports. They may conflict with private landowners engaged in agriculture or aquaculture. For depredating or "nuisance" birds protected by the Migratory Bird Treaty Act, the Service is responsible for conserving and protecting national populations for present and future generations. The Service is responsible also for working with the U.S. Department of Agriculture Wildlife Services (USDA Wildlife Services) and State fish and wildlife agencies to devise safe and effective ways to reduce existing conflicts.

The Service uses a "depredation permit" process that enables both conflicts and conflict resolution strategies to be identified and acted on after assessing the biological implications to the depredating species. The issuance of a depredation permit allows the permit holder to take



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action against nuisance birds by either killing or otherwise removing them, but only after the damage has been documented and certified by USDA Wildlife Services, with all reasonable non-lethal measures proven ineffective. The Federal regulations pertaining to the issuance of depredation permits, are found in the Code of Federal Regulations (50 CFR Subpart D Control of Depredating Birds).

## Aquaculture and Fish-Eating Birds

Cultivation of farm-raised catfish and crawfish for public consumption, baitfish for anglers and commercial fishing operations, and tropical fish for the pet trade all have undergone tremendous expansion since the 1970s. This expansion is happening at the same time many fish-eating bird species are recovering from low population levels caused by habitat loss and widespread pesticide use prior to 1970. In some areas aquacultural activities provide an abundant food source for fish-eating birds.

While some believe that the increase in populations of fish-eating birds is due solely to greater prey availability, the majority of fish-eating birds are simply returning to former breeding or wintering areas, while taking advantage of available food. Although there are some serious conflicts involving economic losses due to fish-eating birds, actions to reduce conflicts must be implemented with the understanding that the

southeastern environment is important for supporting both aquaculture and fish-eating birds.

Presently, a Depredation Order for double-crested cormorants at freshwater aquacultural facilities is in effect which allows lethal control without a depredation permit at private and State operated facilities. This Depredation Order covers all States in the Service's Southeast Region (as well as Texas, Oklahoma, and Minnesota) where USDA Wildlife Services has certified that non-lethal approaches alone are not effective in alleviating economic losses. This order is in effect until April 30, 2005, unless revoked or specifically extended prior to that date. Permits for lethal control of other fish-eating species may be issued, again based on certification from USDA Wildlife Services and the removal process being biologically sound.



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### **Recreational Fishing, Double-crested Cormorants, and Other Fish-Eating Birds**

Declines in some recreational fish populations in the Great Lakes and Northeastern U.S. have been suspected as being bird-caused. Similar suggested declines in managed reservoirs of the Southeast have gained national attention. Among fish-eating birds, double-crested cormorants receive the most attention as a suspected culprit in the decline of recreational fisheries. A review of all relevant studies to date suggests that under rare circumstances large cormorant populations could impact some local fisheries. This impact may be negative in some cases, where certain age classes for a sport fish may be reduced to the point of affecting overall recruitment.

The status of recreational fish populations and increasing populations of fish-eating birds is at best complex, but there is little support for the suggestion that cormorants, or any other fish-eating species, are responsible for widespread declines in recreational fish populations. Nevertheless, local problems may exist and the Service supports appropriate studies to document actual conflicts between fish-eating birds and

recreational fish populations, as well as other natural resources of interest, in order to take the most appropriate course of action to alleviate the conflict.

### **Double-crested Cormorant National Management Plan and Environmental Impact Statement**

In addition to aquaculture and recreational fishing concerns, other possible impacts from cormorants may occur. Effects on threatened and endangered species, other migratory birds, vegetation, and other natural resources and socioeconomic factors are in need of review, which will eventually lead to a national management plan for the double-crested cormorant. All of these topics are now under consideration and are discussed in the draft Environmental Impact Statement, now undergoing public review and comment until February 28, 2002.

Public comments were used to develop the following management alternatives:

- continue current cormorant management (no action);
- implement only non-lethal management techniques;
- expand current cormorant damage management practices;
- establish a new Depredation order to address public resource conflicts (proposed action);
- reduce regional cormorant populations; and
- establish frameworks for a cormorant hunting season.

The draft Environmental Impact Statement is on the Service's web site: <http://migratorybirds.fws.gov/issues/cormorant/deis/deis.html>. Additional information on double-crested cormorants, the migratory bird permit program, and the conservation of all migratory birds may be accessed from the Service's web site as well.

### **Service Guidelines Regarding Issuance of Permits for Depredating Fish-Eating Birds in the Southeast Region**

The Migratory Bird Treaty Act allows the Service to permit lethal control through removal of nests with chicks and eggs, or shooting of migratory birds, such as fish-eating species, to control depredation. Lethal control of depredating fish-eating birds may be authorized, but only after certification by USDA Wildlife Services that (1) a damage problem exists and (2) non-lethal measures have proven ineffective. In addition, the Service determines (1) that no threatened or endangered species are involved and

(2) the population status of the depredating bird species is secure. The following Southeast regional guidelines are presented here to help determine under what conditions a depredation permit would be considered by the Service:

#### ***Aquaculture facilities:***

Removing depredating double-crested cormorants at freshwater commercial aquacultural sites and state-operated hatcheries, a permit is not required as these facilities fall under a Depredation Order, as described above, covering all States in the Service's Southeast Region. For all other fish-eating bird species at private facilities, a depredation permit may be issued if significant economic harm is documented and removal of the species involved is biologically sound.

#### ***Public Waters:***

Permits may be issued to ensure survival and recovery of State and Federal threatened and endangered species when supported by an approved recovery plan and when all other management solutions have proven ineffective.

Consideration also will be given to issuing permits to alleviate depredation or damage to rare and declining plant communities and animal species of conservation concern, or other species such as recreational fishes. However, issuance of depredation permits only will be considered after the development of a comprehensive management plan (approved by an appropriate natural resource management agency) identifying fish-eating birds as a major limiting factor for managing sustainable populations.

#### ***Private Waters:***

Permits may be issued if a commercial operation is being affected, which has confined fish in a way that maximizes fishing opportunities for patrons (may include homeowner associations). Permits for individual landowners also may be issued for significant property damage where evidence of economic impact is linked directly to the presence of fish-eating birds or when significant impacts to vegetation are evident at private lakes or in uplands where nesting colonies or roosts are located.

#### ***Fish-stocking Sites for***

##### ***Public and Private Waters:***

Permits may be issued to take depredating birds at the site of stocking if all other management solutions have proven to be ineffective.

#### ***For more information, contact:***

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